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Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**Re:** Policy and Rules Concerning the Interstate, Interexchange Marketplace;  
Implementation of Section 254(g) of the Communications Act of 1934, as Amended,  
CC Docket No. 96-61  
Number Resource Optimization, CC Docket No. 99-200

**Notice of *Ex Parte* Presentation**

Dear Ms. Salas:

On behalf of the American Samoa Telecommunications Authority ("ASTCA"), my colleague David L. Sieradzki and I met this morning with Diane Griffith Harmon, Cheryl Callahan, and Dennis Johnson of the Common Carrier Bureau. The discussion pertained to American Samoa's request to enter the North American Numbering Plan and have Numbering Plan Area code 684 assigned to American Samoa, and the Industry Numbering Committee's December 6, 2001 recommendation in support of that request.

I have attached documents that were distributed at the meeting.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, one original (with attachments) and three copies (with attachments) of this letter are being filed with your office. In addition, I am sending one copy of this notice to the FCC staff listed below. Please contact me with any additional questions.

Respectfully submitted,



Angela E. Giancarlo  
Counsel for American Samoa  
Telecommunications Authority

cc: Cheryl Callahan  
Diane Harmon  
Dennis Johnson

New York, New York 013  
Liaison

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Committee

A forum of the Carrier Liaison Committee

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David Bench  
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December 6, 2001

Mr. Ron Connors  
Director  
North American Numbering Plan Administration  
1120 Vermont Avenue, Suite 400  
Washington, DC 20005  
[ron.connors@nanpa.com](mailto:ron.connors@nanpa.com)

Dear Mr. Connors:

This letter is in response to your letter of May 29, 2001 regarding American Samoa's application to join the North American Numbering Plan (NANP) with the assignment of Area Code 684. The INC has received numerous other letters and reviewed contributions related to this matter. The INC concludes that there are no technical reasons preventing American Samoa's entry into the NANP and recommends the assignment of NPA 684.

American Samoa, as a US territory, is subject to FCC rate integration rules that led to the entry of Guam and Commonwealth of Northern Marianas Islands (CNMI) into the NANP. As a result, INC has specifically evaluated the technical merits of assigning a unique NPA code to American Samoa.

The sharing of NPAs is not addressed in the NPA Allocation Plan and Assignment Guidelines, but this concept was introduced via various letters and discussed at length. Many INC participants believe there are technical implementation considerations that would need to be overcome to support the shared NPA code approach. Some of the technical issues which may need to be addressed are:

- Network Connectivity and Call Routing
- Possible upgrades/modifications to equipment and operational procedures.
- Geographic Distances and the crossing of the international dateline.
- Impacts on Operational Support Systems (OSS)

Given the sovereignty of US Territories, it seems unreasonable to force either Guam or CNMI networks to be technically modified by requiring one of those territories to relinquish a portion of the NPA already assigned to it, and bear the cost of such, based on the numbering needs of another territory, as a result of their entrance into the NANP.

Number optimization is a high priority at the INC; however, in the case of American Samoa it is impossible to justify any other approach but the assignment of the requested NPA. No other option is available under the current INC NPA Allocation Plan and Assignment Guidelines. INC does not believe that making such a recommendation is setting any precedent. There are many geographic areas within the NANP whose population alone does not justify the allocation of a whole NPA. Assignment of a complete NPA to American Samoa would not be the first such assignment.

Therefore, after due consideration, the INC recommends that American Samoa be assigned NPA 684 as requested.

Sincerely,

Norman Epstein  
INC Moderator

Rose Travers  
INC Assistant Moderator

cc: Dorothy Atwood, FCC  
Congressman Robert Underwood, Guam  
Ronald Del Sesto, Swidler, Berlin, Shereff, Friedman, LLP  
Veronica Ahern, Guam Telephone Authority  
George Wray, The American Samoa Fund for the Public Interest  
David Sieradzki, Hogan & Hartson  
Doug Birdwise, CSCN  
Ursula Menke, CRTC

## Exhibit 2

NPA-183

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Veronica M. Ahern  
Direct Dial: (202) 585-8321  
E-Mail: vahern@nixonpeabody.com

November 8, 2001

**VIA EMAIL AND FEDERAL EXPRESS**

Mr. Norman Epstein  
Moderator, Industry Numbering Committee  
Alliance for Telecommunications Industry Solutions  
c/o Verizon  
700 Hidden Ridge  
HQW02H72  
Irving, TX 75038

Re: Assignment of NPA to American Samoa

Dear Mr. Epstein:

Guam Telephone Authority ("GTA"), by its attorneys, hereby submits these comments concerning Industry Numbering Committee ("INC") consideration of a proposal for American Samoa to share an NPA code with Guam.<sup>1</sup>

GTA, an autonomous agency of the Government of Guam, is the incumbent local exchange carrier serving the United States Territory of Guam. As such, it has a unique interest in any proposal for sharing the 671 NPA Code, now assigned solely to Guam. GTA supports the entry of American Samoa into the North American Numbering Plan, but strongly opposes use by

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<sup>1</sup> We note that neither GTA nor the Government of Guam has been formally requested to provide comments. GTA specifically reserves the right to provide additional comments upon formal request.

American Samoa of the NPA presently assigned to Guam.

Although our analysis of the impact of sharing the 671 NPA code with American Samoa is not complete, we have identified several areas of concern for GTA. First, we expect the cost of reprogramming switches and upgrading equipment to be significant. At this time, GTA does not have funds available for such expenditures and will not be able to make the required changes without additional funding.

Second, incoming calls to common number services (*e.g.*, Directory Assistance, Telecommunications Relay Service, etc.) will need to be routed to the proper administration. Issues concerning the mechanics of that rerouting, including payment for the costs incurred, have not been resolved.

Third, common NXX codes in American Samoa and Guam will require NXX code changes, disrupting consumer telephone numbers. Moreover, there does not appear to be an adequate mechanism for deciding whose NXX codes must change.

Fourth, there is great uncertainty regarding traffic routing and, particularly, whether calls routed to American Samoa will be routed through Guam, or vice versa. It is important to bear in mind that Guam and American Samoa, while both parts of the United States, are over 2000 miles apart and do not share a direct telecommunications connection, such as submarine cable. There is little congruence of economic or cultural interests warranting such a direct connection. Therefore, traffic will need to be routed, through Guam, over at least one, and possibly two, satellite links. This raises quality of service issues that will directly impact telephone consumers.

For these reasons, GTA strongly opposes inclusion of American Samoa within the 671 NPA and urges that American Samoa be permitted to use an NPA identical to its existing country code.

Respectfully submitted,

**GUAM TELEPHONE AUTHORITY**

By: Veronica M. Ahern  
Its: Attorney

cc: Honorable Carl T. Gutierrez, Governor of Guam  
John M. Borlas, President, IT&E Overseas, Inc.  
Dorothy Attwood, Chief, Common Carrier Bureau, FCC  
Diane Griffin Harmon, Acting Chief, Network Services Division, Common Carrier

**Bureau, FCC**

**Cheryl Callahan, Network Services Division, Common Carrier Bureau, FCC**

**Robert Atkinson, Chairman, North American Numbering Council**

**Ron Conners, Director, North American Numbering Plan Administration**

**Honorable Tauese P.F. Sunia, Governor, American Samoa**

**Aleki Sene, Executive Director, American Samoa Telecommunications Authority**

**Roberta Purcell, Rural Utilities Service**

From Guam Congressional Delegate

**ROBERT A. UNDERWOOD**

2428 Rayburn HOB, Washington, D.C. 20515 Tel: 202-225-1188 Fax: 202-226-0341

120 Fr. Dueñas Ave., Ste 107 Hagåtña, Guam 96910 Tel: 671-477-4272 Fax: 671-477-2587

Email: [guamtodc@mail.house.gov](mailto:guamtodc@mail.house.gov)

November 8, 2001

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Dear Chairman Powell:

I am writing to express my concerns to a proposal being considered by the Federal Communications Commission (FCC) and the North American Numbering Plan Administration (NANPA). I understand that there are two proposals being considered regarding American Samoa's inclusion in the NANP. One proposal is to assign a separate area (NPA) code to American Samoa and the other is to have American Samoa share a code with Guam or the Commonwealth of the Northern Mariana Islands (CNMI).

I am strongly opposed to the proposal to have American Samoa share a NPA code with Guam or the CNMI. Rather I am in support Governor Tuae's request that the NPA code of 684, which corresponds with the current country code, be assigned to American Samoa.

Sharing codes, particularly with jurisdictions like Guam, would be disadvantageous to American Samoa and would cause an undue logistical and financial burden for Guam's long distance service providers and the Guam Telephone Authority (GTA), which is currently owned and operated by the Government of Guam. If subjected to this option, both local and long distance service providers would have to purchase costly upgrades or replace switching equipment. This cost alone for a single provider is estimated to be \$6 million and the cost to upgrade GTA is expected to come at an even higher price. At a time when the territories continue to experience great economic difficulties, such a decision would be detrimental due to the costly conversions these jurisdictions would be expected to encumber.

It also makes no sense to lump the territories together when these jurisdictions are geographically far apart. Guam is some 3,830 miles away from American Samoa, which is also on the eastern side of the International Date Line and 21 hours behind the Chamorro Standard Time Zone, which covers Guam and the CNMI. These factors present additional complications for the billing of calls involving shared NPA codes. Furthermore, I could not imagine that the FCC or NANPA would even consider lumping together Nantucket, Massachusetts with the Channel Islands off California, two jurisdictions which are nearly 2,800 miles apart and share similar population features of

Guam and American Samoa, for the sake of conserving a single NPA code.

During the reauthorization of the Telecommunications Act of 1996, a provision was established to include Guam, the CNMI, and American Samoa in the NANP. While Guam and the CNMI proceeded with integration plans, the government of American Samoa requested to remain outside the NANP citing the high costs of upgrading the American Samoa Telecommunications Authority (ASTA) infrastructure despite the encouragement from the FCC's Common Carrier Bureau to become integrated. Since then, I understand that ASTA has performed upgrades to its telecommunications systems and is now ready for integration to the NANP. Clearly, the prevailing sentiment is to admit American Samoa to the NANP and to grant the assignment of its unique NPA code.

Therefore, I respectfully urge you to support Governor Sunia's request to include American Samoa in the NANP and to assign the NPA code 684 particularly since the FCC was already on record in support of the option in 1996. Additionally, the Industry Numbering Committee of the Alliance for Telecommunications Industry Solutions has recommended support for the assignment of a unique NPA code for American Samoa.

I believe that invoking the option to share a NPA code with jurisdictions such as Guam would set a bad precedence for future NPA code assignments. Your assistance and attention to this request is greatly appreciated.

Sincerely,

<<...OLE\_Obj...>>

Robert A. Underwood  
Member of Congress

cc: Mr. Ron Connors, Director  
North American Numbering Plan Administration

.....  
**Jeannine R. Aguon**

Legislative Assistant

Congressman Robert A. Underwood

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July 30, 2001  
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Mr. Norman Epstein  
Moderator, Industry Numbering Committee  
Alliance for Telecommunications Industry Solutions  
C/O Verizon  
700 Hidden Ridge  
Hqw02H72  
Irving, TX 75038

## **Re: Code Sharing between Guam and American Samoa**

Dear Mr. Epstein:

IT&E Overseas, Inc. ("IT&E") submits this letter to oppose any area code-sharing arrangement between Guam and American Samoa. IT&E provides long distance, private line, and Internet access services to consumers and businesses in Guam and the Commonwealth of the Northern Marianas ("CNMI"). IT&E also provides wireless digital PCS services in Guam.

By letter dated March 23, 2001, the Governor of American Samoa submitted a request to the Director of the North American Numbering Plan Administration asking that American Samoa be allowed to participate in the North American Numbering Plan. As part of this request, American Samoa asked that it receive NPA 684, which corresponds to the international dialing code now in use for American Samoa. It is our understanding that the Industry Numbering Committee ("INC") has informally requested American Samoa to consider sharing an area code with Guam.

Area code sharing between Guam and American Samoa would impose prohibitive costs on consumers in both Guam and American Samoa. Both local and long distance service providers would be required to purchase expensive upgrades to, or replace, switching equipment in order to be able determine whether a call should be terminated to a customer in Guam or American Samoa. Instead of analyzing a telephone number at the NPA level, code sharing would require analysis of each dialed telephone number at the "NXX" level (NPA-NXX).

For its part, IT&E would need to incur very large expenses for both its long distance and PCS services. IT&E estimates that the total cost for software upgrades and/or switch replacement would be approximately \$6 million. And these are only IT&E's expenses. The Guam Telephone Authority would likely experience greater levels of expense. Other PCS providers in Guam would also incur expenses, not to mention long distance and local service providers serving American Samoa. The total cost for all these carriers to implement area code sharing for Guam and American Samoa could be many multiples of IT&E's expenses.

At the present time, and for many years, Guam, the CNMI, and American Samoa have been experiencing a very significant economic recession, even when the rest of the U.S. economy was growing rapidly. Most of the costs that carriers would incur in implementing area code sharing would of necessity be passed on to customers in prices for telecommunications services that could make service unaffordable for some consumers and generally reduce demand for telecommunications services. Moreover, imposing these very significant costs on Guam-based carriers would likely place them at a competitive disadvantage with respect to other larger carriers that can more readily absorb these costs and spread them to customers nationwide. In this connection, insofar as area code sharing would be advisable for American Samoa, it may be preferable to consider doing so with Hawaii, where carriers and the local economy may be better able to bear this expense, and which is considerably closer to American Samoa than is Guam.

In any event, there is no reason to believe that incurring the costs of number sharing between Guam and American Samoa is necessary for efficient NPA utilization, or that any benefit to efficient NPA utilization would be justified by the very significant expense involved. In addition, to the best of IT&E's knowledge, significant sharing of area codes between distant islands would be unprecedented. Nor do distant points necessarily share significantly similar calling patterns that could otherwise make area code sharing acceptable.

It also worth noting that in a closely analogous area the FCC has made clear that number conservation goals should not impose significant costs on carriers. Thus, in delegating authority to state commissions to implement thousand-block number pooling trials, the Commission emphasized in several instances that state commissions may not require carriers to implement number portability solely for purposes of participating in number pooling.<sup>1</sup> Similarly, carriers serving Guam and American Samoa should not be

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<sup>1</sup> See, e.g., *California Pub. Utils. Comm'n Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures*, CC Docket No. 96-98, FCC 99-248 (rel. Sept. 15, 1999); *Florida Pub. Service Comm'n Petition to Federal Communications Comm'n for Expedited Decision for Grant of Authority to Implement Number Conservation Measures*, CC Docket No. 96-98, FCC 99-249 (rel. Sept. 15, 1999); *Massachusetts Dept. of Telecom. and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes*, CC Docket No. 96-98, FCC 99-246 (rel. Sept. 15, 1999); *New York State Dept. of Pub. Service Petition for Additional Delegated Authority to Implement Number Conservation Measures*, CC

required to incur the very significant expense of area code sharing, even assuming this were necessary in light of area code conservation goals.

For all these reasons, area code sharing between Guam and American Samoa should not be implemented.

IT&E also objects to the fact that carriers and other interested persons in Guam were not apparently requested by the INC to comment on possible consideration of area code sharing between Guam and American Samoa, even if this is only under consideration on an informal basis at this time. Insofar as this issue remains under consideration, IT&E requests that the INC fully inform interested parties in Guam so that they may meaningfully participate in the INC's deliberations.

Sincerely,

Patrick J. Donovan  
Ronald Del Sesto, Jr.

Counsel for IT&E Overseas, Inc.

cc: John M. Borlas, President, IT&E Overseas, Inc.  
Dorothy Atwood, Chief, Common Carrier Bureau  
Diane Griffith Harmon, Acting Chief, Network Services Division  
Cheryl Callahan, Network Services Division, Common Carrier Bureau  
John R. Hoffman, Chairman, North American Numbering Council  
Ron Conners, Director, North American Numbering Plan Administration  
The Honorable Tauese P.F. Sunia, Governor, American Samoa  
Aleki Sene, Executive Director, American Samoa Telecommunications Authority  
Fagafaga Langkilde, Vice President, Blue Sky Communications  
Harry M. Boertzel, Guam Public Utilities Commission  
Vincent P. Arriola, Guam Telephone Authority

**HOGAN & HARTSON**  
**L.L.P.**

DAVID L. SIERADZKI  
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July 12, 2001

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**JUL 12 2001**

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Mr. Ron Conners  
Director, North American Numbering Plan Administration  
Neustar, Inc.  
1120 Vermont Ave., N.W.  
Suite 400  
Washington, D.C. 20005

**Re: Request of the U.S. Territory of American Samoa to  
Participate in the North American Numbering Plan and  
for Assignment of NPA Code 684;**

**CC Docket No. 96-61**

Dear Mr. Conners:

On behalf of the American Samoa Telecommunications Authority ("ASTCA"), I am writing to follow up on the March 23, 2001 letter from Tauese P.F. Sunia, Governor of the U.S. Territory of American Samoa (a copy is enclosed for your convenience). I write to express our continued hope that the North American Numbering Plan Administration ("NANPA") will expeditiously grant American Samoa's pending request to participate in the North American Numbering Plan ("NANP"), like other U.S. states and territories.

Specifically, American Samoa has requested exclusive assignment of Numbering Plan Area ("NPA") code 684, which corresponds to the international country code now in use there. Following up on a discussion of American Samoa's request during a recent meeting of the Industry Numbering Committee ("INC"), you asked me to provide a written statement explaining why American Samoa is unwilling and unable to share an NPA code with another U.S. Pacific Island territory, such as Guam or the Commonwealth of Northern Mariana Islands ("CNMI"). This letter responds to your request.

Mr. Ron Conners  
July 12, 2001  
Page 2

ASTCA and the American Samoa Government feel very strongly that American Samoa's participation in the NANP is feasible, and should be implemented, *only* if NPA code 684 is assigned exclusively to American Samoa. Such exclusive assignment will serve the public interest in a number of important ways:

- **Adopt a technically feasible solution.** It would not be technically feasible for American Samoa to share the NPA code of either Guam or CNMI. American Samoa is nowhere near Guam or CNMI – American Samoa is in the Southern Hemisphere, while Guam and CNMI are in the Northern Hemisphere. There is no direct cable link between American Samoa and either of these territories: American Samoa utilizes an Intelsat satellite link for connections to all other U.S. points. It would be extremely difficult, if not impossible, for switches located throughout the NANP to properly route and accurately deliver telephone calls, using a single NPA code, to locations both in American Samoa and in another territory thousands of miles away. Moreover, metering calls utilizing a single NPA would be a logistical nightmare, given that American Samoa is east of the International Date Line, while Guam and CNMI are both west of the International Date Line (*i.e.*, when it is Sunday in American Samoa, it is Monday in Guam and CNMI). Instead, exclusive designation of NPA 684 to American Samoa will allow the continued seamless use of its existing network and the accurate delivery and proper completion of calls.
- **Minimize difficulties associated with an NPA transition.** Exclusive use of NPA 684 would greatly simplify the transition process for residents and businesses in American Samoa, and for their relatives, customers, and other contacts who call them. This NPA code matches American Samoa's current international country code. Thus, communication of this change would be streamlined and made easier for calling as well as called parties. Further, these parties would rest assured knowing that NPA 684 will be used only for American Samoa, necessarily minimizing the possibility of costly mis-dials.
- **Equitable treatment of similarly-situated American territories.** The U.S. territories of Guam and the CNMI entered the NANP within the past five years with exclusive assignment of the NPA codes of 671 and 670

Mr. Ron Conners

July 12, 2001

Page 3

respectively, which correspond the respective international calling codes previously used by these territories. American Samoa is similarly situated, and its request should not be treated any differently. Nor should NANPA, at this late stage, ask either of those territories to relinquish its exclusive use of an NPA code.

Finally, I wish to make clear that American Samoa is not willing to relinquish its valuable 684 international country code and enter the NANP unless it receives exclusive assignment of the 684 NPA code. For considerations of simple fairness, ease of technical implementation, and sensible public policy, the NANPA should expeditiously proceed to assign the 684 NPA exclusively to American Samoa. In the meantime, I hope and expect that NANPA will neither assign or reserve NPA 684 to any other location nor take any other action regarding NPA 684 while American Samoa's request is pending.

I appreciate your consideration and look forward to hearing from you. Please contact me if you have any further questions.

Very truly yours,



David L. Sieradzki  
Counsel for the American Samoa  
Telecommunications Authority

Enclosure

cc: Robert Atkinson, *Chairman, North American Numbering Council*  
Dorothy Attwood, *Chief, Common Carrier Bureau, FCC*  
Yog Varma, *Deputy Chief, Common Carrier Bureau, FCC*  
Diane Griffith Harmon, *Acting Chief, Network Services Division, CCB, FCC*  
Cheryl Callahan, *Network Services Division, CCB, FCC*  
Aleki Sene, *Executive Director, American Samoa Telecommunications Authority*  
Fagafaga Langkilde, *Vice President, Blue Sky Communications*



**TERRITORY OF AMERICAN SAMOA**  
**OFFICE OF THE GOVERNOR**  
 PAGO PAGO, AMERICAN SAMOA 96799



1900 2000  
 Serial: 0559

**TAUESE P. F. SUNIA**  
 Governor

**TOGIOLA T. A. TULAFONO**  
 Lieutenant Governor

March 23, 2001

Ron Conners  
 Director  
 North American Numbering Plan Administration  
 Neustar, Inc.  
 1120 Vermont Ave., N.W., Suite 400  
 Washington, D.C. 20005

**Re: Request of the U.S. Territory of American Samoa to Participate  
 in the North American Numbering Plan and for Assignment of  
 NPA Code 684**

Dear Mr. Conners:

I am writing to request that the U.S. territory of American Samoa be allowed to participate in the North American Numbering Plan ("NANP"), like other U.S. states and territories. To facilitate this participation, I respectfully request the assignment to American Samoa of NPA code 684, which corresponds to the international dialing code now in use.

American Samoa, with a population of approximately 58,000, has been an unincorporated territory of the United States since 1900. The American Samoa Government ("ASG"), composed of an elected governor, legislature, and other self-governing institutions, governs the territory subject to the authority of the U.S. Department of the Interior. As Governor, I function as the Telecommunications Regulatory Commissioner, with authority to regulate the local operations of telecommunications carriers.

The American Samoa Telecommunications Authority ("ASTCA"), an independently operated, quasi-governmental entity that is owned by ASG, is the oldest and largest telecommunications carrier in American Samoa, and provides local exchange, long distance, and wireless service throughout the territory.

In a July 1997 order, the FCC's Common Carrier Bureau strongly encouraged American Samoa to participate in the North American Numbering Plan, in order to facilitate carriers' implementation of rate integration requirements of Section 254(g) of the Communications Act of 1934, as amended ("Act"), and to promote competition and introduction of new services. The Bureau stated:

We note that there are several measures that could be implemented in American Samoa that likely would facilitate the ability of interexchange carriers to integrate their service offerings to American Samoa with their interstate offerings to the mainland and other offshore points. These steps include participation in the North American Numbering Plan, provision of access services to IXC's on a basis comparable to that of LEC's in other parts of the U.S. (such as by offering National Exchange Carrier Association access rates), and provision of Feature Group D service if requested by IXC's. Thus, inclusion of American Samoa in the NANP would help carriers integrate American Samoa into their nationwide service plans, billing systems, and switching mechanisms. Implementation of Feature Group D service would provide subscribers with high-quality equal access to providers of interexchange service serving American Samoa. Provision of access services by American Samoa to interexchange carriers on a basis more comparable to such services provided in other parts of the U.S. could help interexchange carriers set rates at integrated levels. Further, these measures could promote the provision of competitive services to American Samoa and stimulate introduction of new services. \* \* \* We encourage American Samoa to submit a complete plan for taking these and any other measures that could help to integrate provision of communications services to American Samoa.

*Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended, 12 FCC Rcd 11548, 11558, ¶¶ 21-22 (Com. Car. Bur. 1997).*

In response to that order, ASG filed a Rate Integration Plan for American Samoa on October 1, 1997. In that plan, ASG proposed to remain outside the NANP, due to the high cost of upgrading ASTCA's switches. But ASG proposed to have ASTCA take a number of other steps that would regularize its status under the FCC's regulations, including: (1) reduce its long distance rates and achieve full rate integration of its out-bound domestic long-distance calls; (2) provide interstate access service under the tariffs of the National Exchange Carrier Association ("NECA"); (3) contribute to the federal universal service funds, and receive low-income and high-cost rural support from those funds; (4) obtain an international 214 certificate; and (5) negotiate and, if necessary, arbitrate interconnection arrangements with prospective local competitors pursuant to Sections 251 and 252 of the Act.

Ron Conners  
March 23, 2001  
Page 3

During the three and a half years since the plan was filed, ASTCA has taken all of the steps listed above. See, e.g., *American Samoa Government and The American Samoa Telecommunications Authority*, 14 FCC Rcd 9974 (Accounting Policy Div., Com. Car. Bur. 1999) (granting waivers to enable ASTCA to join NECA and receive universal service funds). At this point, American Samoa is in a position to participate in the NANP.

Without participation in the NANP, ASTCA cannot obtain or use Carrier Identification Codes ("CICs"), and therefore cannot fully implement equal access. As noted above, in 1997 the Common Carrier Bureau strongly encouraged American Samoa to participate in the NANP and urged ASTCA to provide equal access. Over the past few years, ASTCA has continued to upgrade its switches in an effort to provide various FCC-mandated services and to improve service to its subscribers. ASTCA's switching equipment is now capable of providing equal access. Equal access is important to facilitate competition by a new entrant in American Samoa, Blue Sky Communications, and possibly by other interexchange carriers. ASG wants to bring the benefits of long distance competition to the people of American Samoa; and pursuant to the FCC's rules, ASTCA is now required to provide equal access in response to Blue Sky's *bona fide* request. But ASTCA cannot satisfy this requirement unless American Samoa joins the NANP.

Accordingly, I respectfully request authority for the U.S. territory of American Samoa to participate in the NANP, as the Common Carrier Bureau suggested several years ago. To facilitate this, an NPA code needs to be assigned to American Samoa. It would greatly simplify the transition process for residents and businesses in American Samoa, and their relatives and other contacts who call them, if the currently unused NPA code of 684 could be assigned to American Samoa, matching American Samoa's current international "country" code. I understand that this NPA code already has been informally set aside for some years in anticipation of its possible assignment to American Samoa.

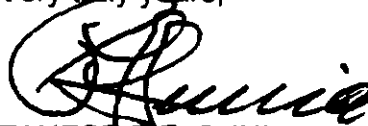
This request is fully supported by precedent. In 1997, when the U.S. territories of Guam and the Commonwealth of the Northern Mariana Islands ("CNMI") began to participate in the NANP, those territories were assigned NPA codes identical to their pre-existing international country codes. American Samoa requests the same treatment.

In sum, permitting American Samoa to participate in the NANP, and assigning the 684 NPA code to American Samoa, would provide benefits to subscribers in American Samoa and throughout the United States. These steps will: (1) facilitate ASTCA's provision of equal access and promote competitive entry; (2) enable U.S. carriers to comply fully with the geographic rate integration requirements of Section

Ron Conners  
March 23, 2001  
Page 4

254(g) of the Act; and (3) minimize the difficulty of the transition for American Samoa consumers and other Americans who call them by assigning an NPA code matching the current country code.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tauese", written over a circular stamp or seal.

TAUESE P.F. SUNIA  
Governor

cc: Dorothy Attwood, *Chief, Common Carrier Bureau, FCC*  
John R. Hoffman, *Chairman, North American Numbering Council*  
Aleki Sene, *Executive Director, American Samoa Telecommunications Authority*  
Fagafaga Langkilde, *Vice President, Blue Sky Communications*

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )

American Samoa Government and the )  
American Samoa Telecommunications )  
Authority )

Petition for Waivers and Declaratory )  
Rulings to Enable American Samoa to )  
Participate in the Universal Service High )  
Cost Support Program and the National )  
Exchange Carrier Association Pools and )  
Tariffs )

CC Docket No. 96-45  
AAD/USB File No. 98-41

**ORDER**

**Adopted: June 9, 1999**

**Released: June 9, 1999**

By the Chief, Accounting Policy Division:

**I. INTRODUCTION**

1. On February 6, 1998, the American Samoa Government and the American Samoa Telecommunications Authority (American Samoa Tel. or, collectively, American Samoa) filed a petition requesting waivers and declaratory rulings to enable American Samoa Tel. to participate in the universal service high cost support mechanisms and to become a member of the National Exchange Carriers Association (NECA).<sup>1</sup> The petitioners request a waiver of the provisions in Parts 36 and 69 of the Commission's rules that restrict application of those rules to incumbent local exchange carriers (LECs) and a waiver of sections 36.611 and 36.612 of the Commission's rules in order to enable American Samoa Tel. to receive high cost loop support based on forecasted or estimated costs. In addition, American Samoa seeks a waiver of the definition of "average schedule company" and certain other provisions in Part

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<sup>1</sup> Petition of the American Samoa Government and the American Samoa Telecommunications Authority for Waivers and Declaratory Rulings to Enable American Samoa to participate in the Universal Service High Cost Support Program and the National Exchange Carrier Association Pools and Tariffs (filed Feb. 6, 1998) (American Samoa petition). On March 3, 1997, the Universal Service Branch, Accounting and Audits Division released a public notice soliciting comments on the petition for declaratory ruling and waiver. Comments were filed by the NECA and American Samoa Telecom, LLC, on March 18, 1998. Reply comments were filed by American Samoa on March 30, 1998.

69 to enable American Samoa Tel. to participate as an average schedule company in NECA's access tariffs and pools and a waiver of the definition of "study area" in Part 36. In this Order, we grant in part and deny in part this petition, as explained below.

## II. BACKGROUND

2. In 1984, the Commission established high cost support mechanisms to promote the nationwide availability of telephone service at reasonable rates.<sup>2</sup> These mechanisms provide support by allowing incumbent LECs with higher than average local loop costs to allocate an additional portion of those costs to the interstate jurisdiction to be recovered from interstate revenues. This enables the state jurisdictions to establish lower local exchange rates in study areas receiving such assistance.<sup>3</sup>

3. In the *Universal Service Order* released on May 8, 1997, the Commission established new federal universal service support mechanisms consistent with the Communications Act of 1934 (the Act), as amended by the Telecommunications Act of 1996 (1996 Act).<sup>4</sup> Pursuant to the *Universal Service Order*, support for providing service in a high cost area will be based upon the forward-looking economic cost of providing the supported services to that service area.<sup>5</sup> Non-rural incumbent LECs will begin receiving high cost support based on forward-looking costs on January 1, 2000.<sup>6</sup> Rural incumbent LECs will begin to receive support based on forward-looking costs no earlier than January 1, 2001.<sup>7</sup> Until an incumbent LEC receives high cost support based upon forward-looking costs, that incumbent LEC's support will continue to be based upon historical cost data, but will be provided through the federal mechanism rather than the interstate access charge rate structure.<sup>8</sup> In the *Universal Service Order*, the Commission also concluded that carriers in insular areas of the United States are eligible to participate in the federal universal service support

<sup>2</sup> See generally *Amendment of Part 67 of the Commission's Rules and Establishment of a Joint Board*, CC Docket No. 80-286, 96 FCC 2d 781 (1984).

<sup>3</sup> *Id.*

<sup>4</sup> See *Federal-State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, 12 FCC Rcd 8776, at 8888-8951, paras. 199-325 (1997) (*Universal Service Order*), as corrected by *Federal-State Joint Board on Universal Service*, Errata, CC Docket No. 96-45, FCC 97-157 (rel. June 4, 1997), appeal pending in *Texas Office of Public Utility Counsel v. FCC and USA*, No. 97-60421 (5th Cir. 1997).

<sup>5</sup> *Universal Service Order*, 12 FCC Rcd at 8898-8926, paras. 223-272.

<sup>6</sup> *Federal-State Joint Board on Universal Service, Access Charge Reform*, Seventh Report and Thirteenth Order on Reconsideration in CC Docket 96-45; Fourth Report and Order in CC Docket No. 96-262; and Further Notice of Proposed Rulemaking in CC Docket Nos. 96-45, 96-262, FCC 99-119 (rel. May 28, 1999).

<sup>7</sup> *Universal Service Order*, 12 FCC Rcd at 8889, paras. 204.

<sup>8</sup> See *Universal Service Order*, 12 FCC Rcd at 8926-47, paras. 273-318.

mechanisms.<sup>9</sup>

4. Local exchange service was provided in American Samoa until 1998 by a government agency, the American Samoa Office of Communications.<sup>10</sup> On January 8, 1998, the Governor of American Samoa created American Samoa Tel. by executive order to administer the telecommunications operations formerly run by the Office of Communications.<sup>11</sup> In its petition, American Samoa states that American Samoa Tel. qualifies as a "rural telephone company" under sections 3(37) and 251(f)(1) of the Act, because it has fewer than 50,000 access lines, and also states that its predecessor, the Office of Communications, was designated as an "eligible telecommunications carrier" pursuant to sections 214 and 254 of the Act.<sup>12</sup> Petitioners state further that, because neither American Samoa Tel. nor its predecessor have participated in NECA revenue pools or other pre-existing universal service mechanisms, the Commission's universal service rules prevent it from receiving high cost support.<sup>13</sup> American Samoa requests the waivers and declaratory rulings necessary to enable American Samoa Tel. to participate in the universal service support mechanisms for high cost areas and seeks certain waivers of the Commission's rules requiring the submission of historical cost data.

#### A. Definition of Incumbent LEC and NECA Membership

5. Section 251(h)(1) of the Act defines an incumbent LEC as a LEC that, with respect to an area: (1) provided telephone exchange service in such area on February 8, 1996, the date of enactment of the 1996 Act, and (2) was a member of NECA on February 8, 1996, or became such member's successor or assign.<sup>14</sup> The Commission's rules essentially adopt section 251(h)(1) of the Act's definition of incumbent LEC for purposes of determining

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<sup>9</sup> *Universal Service Order*, 12 FCC Rcd at 8997, para. 414 n.1064 citing 47 U.S.C. § 254(b)(3) ("Consumers in all regions of the Nation, including . . . those in rural, insular, and high cost areas, should have access to telecommunications and information services . . .") (emphasis added); Joint Explanatory Statement at 131. In the universal service proceeding, the Commission explicitly considered American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, Puerto Rico, and the U.S. Virgin Islands to be insular areas. *Universal Service Order*, 12 FCC Rcd at 8995-9001, paras. 410-23.

<sup>10</sup> The telephone network in American Samoa was originally constructed by the U.S. Navy and the U.S. Department of the Interior. See Executive Order No. 02-1998, attachment to American Samoa petition.

<sup>11</sup> American Samoa Tel. is a semi-autonomous government agency, governed by a Board of Directors who are appointed by the Governor. See *id.*

<sup>12</sup> See American Samoa petition at 4; 47 U.S.C. §§ 153(37), 214(e), 251(f)(1), 254.

<sup>13</sup> American Samoa petition at 6.

<sup>14</sup> 47 U.S.C. § 251(h)(1).

universal service support.<sup>15</sup> The Commission's high cost support rules calculate the amount of support provided to a carrier based on its status as either an incumbent LEC or a competitive eligible telecommunications carrier.<sup>16</sup> An incumbent LEC receives support according to particular calculations based on historical and projected cost data,<sup>17</sup> and a competitive eligible telecommunications carrier receives the same amount of support per customer that the incumbent LEC previously serving that customer received.<sup>18</sup> Carriers that do not meet the definition of an incumbent LEC, but that also do not serve customers formerly served by an incumbent LEC, have sought waivers of the incumbent LEC requirement for purposes of calculating universal service support. In addition, a LEC serving an insular area that did not meet the definition of incumbent LEC was designated an incumbent LEC by rule.

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6. *Incumbent LEC Waivers.* Pursuant to the Commission's waiver authority, the Accounting and Audits Division (the Division) of the Common Carrier Bureau (the Bureau) permitted carriers that do not meet the definition of incumbent LEC to receive universal service support. Specifically, the Division granted waivers to new telephone companies providing service in previously unserved areas, such as South Park Telephone Company (South Park) and Sandwich Isles Communications, Inc., (Sandwich Isles), that permitted these companies to begin receiving high cost loop support.<sup>19</sup> In granting these waivers, the Division waived the incumbent LEC requirements of parts 36 and 69 of the Commission's rules, and permitted South Park and Sandwich Isles to become members of NECA and participate in NECA pools and tariffs.<sup>20</sup> These waivers do not, however, affect the carriers' obligations

<sup>15</sup> See 47 C.F.R. §§ 51.5, 54.5.

<sup>16</sup> Part 54 of the Commission's rules defines a "competitive eligible telecommunications carrier" as "a carrier that meets the definition of an 'eligible telecommunications carrier' [under part 54] and does not meet the definition of an 'incumbent local exchange carrier' in § 51.5 . . . ." 47 C.F.R. § 54.5.

<sup>17</sup> See, e.g., 47 C.F.R. §§ 36.611, 54.301, 54.303. As noted above, once the Commission implements a forward-looking economic cost mechanism, carriers will no longer receive support based on historical and projected cost data submitted to the Administrator, but instead will receive support calculated by a forward-looking economic cost model. See *supra* para. 3.

<sup>18</sup> 47 C.F.R. § 54.307.

<sup>19</sup> *South Park Telephone Company, Petition for Waiver of Sections 36.611 and 36.612 of the Commission's Rules*, Order, AAD 97-41, DA 97-2730, 13 FCC Rcd 198 (Acct. Aud. Div. 1997) (*South Park*); *Sandwich Isles Communications, Inc., Petition for Waiver of Section 36.611 of the Commission's Rules and request for Clarification*, Order, AAD 97-82, DA 98-166, 13 FCC Rcd 2407 (Acct. Aud. Div. 1998) (*Sandwich Isles*), application for review pending. See also *Wilderness Valley Telephone Company, Inc., Petition for Waiver of Sections 69.605(c) and 69.3(e)(11) of the Commission's Rules*, Order on Reconsideration, AAD 96-99, DA 98-603, 13 FCC Rcd 6573 (Acct. Aud. Div. rel. March 31, 1998) (*Wilderness Valley recon.*) (waiving the incumbent LEC requirement of Part 69 and permitting Wilderness Valley to participate in NECA pools and tariffs).

<sup>20</sup> See *South Park* at para. 12; *Sandwich Isles* at para. 15. High cost loop support for incumbent LECs is calculated by NECA from data submitted to NECA pursuant to section 36.611, which defines an incumbent LEC

under section 251 of the Act.<sup>21</sup>

7. *Incumbent LEC Rulemaking.* Section 251(h)(2) of the Act allows the Commission, by rule, to "provide for the treatment of a local exchange carrier (or class or category thereof) as an incumbent local exchange carrier for purposes of [section 251]."<sup>22</sup> Pursuant to section 251(h)(2), the Commission adopted a rule treating Guam Telephone Authority ("Guam Telephone") as an incumbent LEC for purposes of section 251.<sup>23</sup> The Commission declined to adopt the same rule with respect to a class or category of LECs situated similarly to Guam Telephone, however, because the record in that proceeding did not identify any members of such class or category.<sup>24</sup>

8. Prior to adoption of the rule treating Guam Telephone as an incumbent LEC, the Common Carrier Bureau granted Guam Telephone's request to join NECA.<sup>25</sup> In the *Guam NECA Order*, the Bureau found that Guam Telephone could join NECA because it had demonstrated that it is a telephone company providing exchange service and exchange access service and, therefore, is similar to the carriers that participate in NECA.<sup>26</sup> The Bureau found

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as a carrier that meets the definition of incumbent LEC in section 51.1 of the Commission's rules. See 47 C.F.R. § 36.611. Participation in NECA pools and tariffs is restricted in Part 69 to telephone companies or LECs that meet the definition of incumbent LEC in section 251(h) of the Act. See 47 C.F.R. § 69.2(hh).

<sup>21</sup> See *South Park*, 13 FCC Rcd at 203; *Sandwich Isles*, 13 FCC Rcd at 2413.

<sup>22</sup> 47 U.S.C. § 251(h)(2).

<sup>23</sup> *Treatment of the Guam Telephone Authority and Similarly Situated Carriers as Incumbent Local Exchange Carriers under Section 251(h)(2) of the Communications Act*, Report and Order, CC Docket No. 97-134, FCC 98-163 (rel. July 20, 1998) (*Guam ILEC Order*). The Commission previously had determined that Guam Telephone Authority was not an incumbent LEC within the meaning of section 251(h) because it was not a member of NECA on February 8, 1998, and did not become a successor or assign of a NECA member. *Guam Public Utilities Commission, Petition for Declaratory Ruling concerning Sections 3(37) and 251(h) of the Communications Act, Treatment of the Guam Telephone Authority and Similarly Situated Carriers as Incumbent Local Exchange Carriers under Section 251(h)(2) of the Communications Act*, Declaratory Ruling and Notice of Proposed Rulemaking, 12 FCC Rcd 6925 (1997) (*Guam NPRM*).

<sup>24</sup> *Guam ILEC Order* at para. 1.

<sup>25</sup> See *Guam Telephone Authority Petition for Declaratory Ruling to Participate in the National Exchange Carrier Association, Inc.*, CCB/CPD File No. 96-29, Memorandum Opinion and Order, DA 97-1007, 13 FCC Rcd 1440 (1997) (*Guam NECA Order*).

<sup>26</sup> *Guam NECA Order*, 13 FCC Rcd at 1446-47. In the *Guam NECA Order* the Bureau found that section 69.601(b) implicitly requires that NECA members must, at a minimum, be telephone companies and that such companies must provide the basic exchange service for which distribution of carrier common line (CCL) revenues would be justified. *Id.* (citing *Offshore Telephone Company Request to Participate in the National Exchange Carrier Association, Inc.*, 3 FCC Rcd 4137, as revised at 3 FCC Rcd 4513, 4516-17 (1988), *aff'd per curiam sub nom. Offshore Telephone Co. v. FCC*, 873 F.2d 408 (D.C. Cir. 1989)). At that time, section